

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

In re: Genzyme Corporation Securities
Litigation

Civil Action No. 09-cv-11267(GAO)

**UNOPPOSED MOTION FOR LEAVE TO FILE
NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants Mark R. Bamforth, Alison Lawton, Geoffrey McDonough, David P. Meeker, Henri A. Termeer and Michael S. Wyzga (collectively “Individual Defendants”), hereby move for leave to file a Notice of Supplemental Authority to bring to the Court’s attention the recent decision of the United States Supreme Court in *Janus Capital Group, Inc. et al v. First Derivative Traders*, 564 U.S. ____, 131 S.Ct. 2296 (2011), which was decided on June 13, 2011. A copy of the proposed Notice and Exhibit A thereto are attached as Exhibit 1. Plaintiffs assent to the relief sought in this Motion.

In support of their Motion, the Individual Defendants state as follows.

1. On June 13, 2011, the United States Supreme Court issued a decision in *Janus Capital Group, Inc. et al v. First Derivative Traders*, 564 U.S. ____, 131 S.Ct. 2296 (2011) which addressed the scope of primary liability in a private civil action under Section 10b of the Exchange Act and Rule 10b-5 thereunder, which make it unlawful for “any person, directly or indirectly, . . . [t]o make any untrue statement of a material fact” in connection with the purchase or sale of securities. 17 C.F.R. § 240.10b-5(b). The Plaintiffs here seek to impose primary liability on the Individual Defendants under Rule 10b-5.

2. The Individual Defendants believe that *Janus* is relevant to several arguments they have made in their Motion to Dismiss and that the *Janus* decision and its relevance to the Individual Defendants' Motion should be brought to the Court's attention.

3. The proposed Notice is less than five pages long and Plaintiffs have assented to its filing.

WHEREFORE, the Individual Defendants respectfully request that this Court grant them leave to file the Notice of Supplemental Authority attached hereto as Exhibit 1.

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Respectfully submitted,

MARK R. BAMFORTH, ALISON
LAWTON, GEOFFREY MCDONOUGH,
DAVID P. MEEKER, HENRI A. TERMEER
AND MICHAEL S. WYZGA

By their attorneys

/s/ Michael T. Marcucci

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Counsel for Individual Defendants

Dated: July 13, 2011

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)

I certify that I have conferred with counsel for the Plaintiffs and that Plaintiffs consent to the relief sought in this motion.

/s/ Michael T. Marcucci

Michael T. Marcucci

CERTIFICATE OF SERVICE

I certify that the foregoing Motion for Leave to File Notice of Supplemental Authority was filed this 13th day of July, 2011, through the Court's CM/ECF system, which will serve a copy upon counsel of record as listed in the Notice of Electronic Filing.

/s/ Michael T. Marcucci

Michael T. Marcucci